UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:11-cv-243-FDW (3:07-cr-61-FDW-4)

CHAVIUS MARQUETTE BARBER,)	
Petitioner,))	
v.	ORDER	
UNITED STATES OF AMERICA,)	
Respondent.))	

THIS MATTER is before the Court on Petitioner's Motion to Amend/Correct Motion to Vacate, Set Aside, Correct Sentence, (Doc. No. 16), filed on February 5, 2013.

Petitioner's Motion to Amend is denied as an unauthorized, successive petition for the same reasons given by the Court in its Order, dated November 1, 2012, denying Petitioner's previously filed Motion for Reconsideration as an unauthorized, successive petition.

IT IS THEREFORE ORDERED that:

- (1) Petitioner's Motion to Amend is **DENIED**, (Doc. No. 16), as an unauthorized, successive petition.
- (2) **IT IS FURTHER ORDERED** that pursuant to Rule 11(a) of the Rules Governing Section 2254 and Section 2255 Cases, this Court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 338 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 473, 484 (2000) (when relief is denied on

procedural grounds, a petitioner must establish both that the dispositive procedural ruling is debatable and that the petition states a debatable claim of the denial of a constitutional right).

Signed: March 1, 2013

Frank D. Whitney

United States District Judge